APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/897,182	08/28/2007	Mladen Turk	P113	3851

14400   7590   04/18/2017

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EXAMINER
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ART UNIT	PAPER NUMBER
2459	

MAIL DATE	DELIVERY MODE
04/18/2017	PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte MLADEN TURK

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Appeal 2016-006606[1]
Application 11/897,182
Technology Center 2400

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Before ERIC B. CHEN, AMBER L. HAGY, and DAVID J. CUTITTA II,
Administrative Patent Judges.

HAGY, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's
Final Rejection of claims 1, 3, 6, 7, 9, 11, 14, 15, and 17–20, which are all of
the pending claims. Claims 2, 4, 5, 8, 10, 12, 13, and 16 have been
cancelled. We have jurisdiction over these claims under 35 U.S.C. § 6(b).

We affirm.

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[1] According to Appellant, the real party in interest is Red Hat, Inc. (App. Br.
3.)

Introduction

According to Appellant:

Embodiments of the present invention relate to management of connections between clients and web servers. Specifically, the embodiments relate to a method and apparatus for reducing the number of threads required to manage connections by assigning idle connections to a common polling thread and releasing working threads until needed to service data transmission over the connection.

(Spec. ¶ 1.)

Exemplary Claim

Claims 1, 9, and 17 are independent. Claim 1, reproduced below with the disputed limitation italicized, is exemplary of the claimed subject matter:

1.   A method comprising:

monitoring, by an acceptor thread, a connection request on a plurality of ports of a system by polling interrupts generated by the plurality of ports;

accepting the connection request by the acceptor thread;

in response to accepting the connection request, opening a connection of a plurality of connections for the connection request to generate an open connection;

assigning the open connection to a worker thread to service a transfer of data over the open connection, wherein the data comprises hypertext transfer protocol (HTTP) data, and wherein the worker thread is scheduled by an operating system to process the transfer of data;

in response to assigning the open connection to the worker thread, releasing the acceptor thread;

in response to having serviced the transfer of data, *determining by the worker thread whether a connection end condition for the open connection is met by the worker thread, wherein determining by the worker thread whether a connection end condition for the open connection is met comprises checking*

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for incoming data, other than a close connection command, that indicates the open connection is no longer needed;

in response to determining that the connection end condition is met, closing the open connection to generate a closed connection and releasing the worker thread assigned to the closed connection;

in response to determining that the connection end condition is not met and there is no further data activity associated with the open connection,

assigning, by a processor, the open connection to a poller thread, wherein the poller thread having the open connection assigned is to detect a connection event and to check for incoming data on the open connection assigned to the poller thread, wherein the poller thread is to check on one or more open connections of the plurality of connections assigned to the poller thread;

releasing the worker thread assigned to the open connection;

in response to detecting, by the poller thread, the connection event, reassigning the open connection to a second worker thread to service the transfer of data over the open connection;

determining whether a time out expiration occurs in view of whether a time to wait for the connection event exceeds a determined time period; and

in response to determining that the time to wait exceeds the determined time period, notifying an associated process of the time out expiration.

REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Chintalapati et al.	US 2002/0156897 A1	Oct. 24, 2002
Oksanen	US 2004/0199549 A1	Oct. 7, 2004
Inden	US 7,227,868 B2	June 5, 2007

REJECTION

Claims 1, 3, 6, 7, 9, 11, 14, 15, and 17–20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chintalapati and Inden. (Final Act. 3–7.)

ISSUES

(1)   Whether the Examiner erred in finding Chintalapati teaches or suggests

> determining by the worker thread whether a connection end
> condition for the open connection is met by the worker thread,
> wherein determining by the worker thread whether a connection
> end condition for the open connection is met comprises checking
> for incoming data, other than a close connection command, that
> indicates the open connection is no longer needed[,]

as recited in independent claim 1 and commensurately recited in independent claims 9 and 17.

(2)   Whether the Examiner failed to articulate a rational basis supporting a motivation to combine the teachings of Chintalapati and Inden.

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellant's arguments the Examiner has erred. We disagree with Appellant's conclusions and we adopt as our own: (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken (Final Act. 3–7) and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellant's Appeal Brief. (Ans. 2–5.) We concur with the conclusions reached by the Examiner, and we highlight the following for emphasis.[2]

>A. *"checking for incoming data, other than a close connection command, that indicates the open connection is no longer needed"*

The Examiner finds Chintalapati teaches or suggests the disputed limitation of claim 1 by teaching

> [a]fter servicing data on the connection, the worker thread checks for "exceptions" on the connection that indicates the connection is no longer needed. Although Chintalapati describes a close connection command as one example of an exception, the use of the plural term "exceptions" clearly indicates Chintalapati contemplates other types of exceptions as well.

(Final Act. 4–5 (citing Chintalapati ¶¶ 37–38, 45).) In the Answer, the Examiner further notes:

> Chintalapati clarifies that the term "exception" encompasses not only a close connection command, but also other types of exceptions that are functionally similar [to] but not identical to a close connection command. For instance, Chintalapati states that an "exception" can indicate either that "the user associated with the client may have closed the connection, *or the browser*

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application running on the client may have terminated"
(emphasis added). See par. 58. Thus, one type of exception other
than a close connection command is an exception indicating that
the browser application has terminated.

(Ans. 3.) We agree the Examiner's findings are supported by the cited

teachings of the prior art. We further note that the recited "incoming data" is

entitled to a broad construction. As the Examiner notes, and we agree,

Appellant's Specification is not specific as to the types of "incoming data"

that could "indicate[] that the open connection is no longer needed," as

recited in claim 1. (_Id._) In particular, the Examiner finds: "Although

paragraph 34 of Appellant's specification states that 'the check can be based

on receiving a close connection command _or similar incoming data_ that

indicates that the connection is no longer needed' (emphasis added),

Appellant's specification does not give even a single example of 'similar

incoming data.'" (_Id._)

Appellant, however, argues the Examiner's findings are in error

because

> the relied upon portion of Chintalapati is concerned with "an
> exception," and examples of the "exception." Although the
> examples of the "exception" can be that _the user associated with
> the client may have closed the connection, or the browser
> application running on the client may have terminated_, the relied
> upon portions of Chintalapati do not teach or suggest **checking
> for incoming data**, _other than a close connection command_, **that
> indicates the open connection is no longer needed**.

(App. Br. 3–4.)

Appellant's conclusory arguments are not persuasive of Examiner

error. In particular, Appellant has not _explained why_ the relied-upon

disclosure does not teach or suggest the claimed feature under its broadest

reasonable interpretation in light of the Specification; rather, Appellant

merely alleges that the feature is different because it is described in *different terms*. *Cf. In re Bond*, 910 F.2d 831, 832 (Fed. Cir. 1990) (explaining that the comparison of references to the claimed invention "is not an 'ipsissimis verbis' test"). Appellant does not explain why Chintalapati's teaching of an "*exception* that indicates a closed connection at the client," which may include termination of a "browser application running on the client" (Chintalapati ¶ 58 (emphasis added)) would not encompass "*incoming data*, other than a close connection command, that indicates the open connection is no longer needed," as recited in claim 1 (emphasis added). Appellant has, therefore, not rebutted the Examiner's findings.

    B.   *Motivation To Combine*

        Appellant also argues the Examiner "has failed to establish a *prima facie* case of obviousness with regards to claims 1, 9, and 17" (App. Br. 13) because the Examiner has "fail[ed] to demonstrate a motivation to combine the cited references" (*id.* at 14). We disagree. In the instant appeal, the Examiner has provided a rationale supporting motivation by a person of ordinary skill in the art to achieve the claimed subject matter. (Final Act. 7; Ans. 4–5.) Specifically, the Examiner finds

> It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Chintalapati so that the poll thread notifies the poll manager that the connection has expired because doing so allows the poll manager to become aware that it needs to close the connection.

(Final Act. 7; *see also* Ans. 4–5.) Appellant does not address the substance of the Examiner's finding. Rather, Appellant takes issue only with the brevity of the Examiner's finding, challenging it as limited to a "single-sentence statement." (App. Br. 13; Reply Br. 7.) We disagree that the Examiner's findings are inadequate merely by virtue of their brevity.

Moreover, we note that, in presenting merely the conclusory contention that the Examiner's finding is itself "conclusory," Appellant has not provided persuasive evidence or line of reasoning explaining why the Examiner's stated rationale is erroneous or why a person of ordinary skill in the art *would not* have reached the conclusions reached by the Examiner. *See DyStar Textilfarben GmbH & Co. Deutschland KG v. C.H. Patrick Co.*, 464 F.3d 1356, 1368 (Fed. Cir. 2006).

For the foregoing reasons, we are not persuaded of error in the Examiner's 35 U.S.C. § 103(a) rejection of independent claim 1, or of independent claims 9 and 17, which Appellant argues collectively with claim 1. We, therefore, affirm that rejection, along with the rejection of dependent claims 3, 6, 7, 11, 14, 15, and 18–20, which Appellant does not argue separately. (*See* App. Br. 9, 13, 14.)

DECISION

For the above reasons, the Examiner's rejection of claims 1, 3, 6, 7, 9, 11, 14, 15, and 17–20 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED